IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19716 of 2006

DATED: 11.10.2006

Between:

J.Sudershan petitioner

And

APSRTC,
Rep by its Regional Manager,
Ranga Reddy Region,
Ranga Reddy district and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19716 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the order dated 23.1.2001 of the first respondent insofar imposing the punishment of "reduction of basic pay by two incremental stages for a period of two years with cumulative effect apart from treating the period of suspension as not on duty for all purposes.

The petitioner was employed in the respondent corporation as Driver. He was issued with a charge sheet dated 29.5.1999 alleging rash and negligent driving of the vehicle and causing extensive damage to the vehicle. The petitioner submitted his explanation to the charge sheet and having not satisfied with the same, disciplinary proceedings were initiated, which resulted in removal of the petitioner from service vide order dated 12.10.1999. The appeal preferred by the petitioner was dismissed by order dated 21.3.2000. Thereafter, the petitioner submitted a review petition to the first respondent on 19.4.2000. The Review Authority-
first respondent on consideration of the matter, by order dated 23.1.2001 justified the removal order, however having regard to the long record of service of the petitioner, took a lenient view and set aside the removal order and directed reinstatement into service by imposing the punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect and to treat the period of suspension as not on duty. Questioning the said order, the present writ petition is filed.

For the proved misconduct, the punishment of removal was imposed by the disciplinary authority and the same was confirmed by the Appellate Authority, however the Review Authority, while justifying the removal order, took a lenient view and modified the punishment and ordered for reinstatement with punishment of reduction of pay by two stages with cumulative effect and to treat the period of suspension

as not on duty. In the enquiry, based on evidence the alleged misconduct was proved. For the said proved misconduct a major punishment of removal from service was order and the Review Authority in its discretion reduced the punishment and imposed the punishment of reduction of pay by two incremental stages with cumulative effect and to treat the period of suspension as not on duty. Except reiterating the points raised and answered by the Appellate and Review Authority, the petitioner has not made out a case warranting interference of this Court. Hence, this Court does not see any reason to interfere with the punishment imposed on the petitioner by taking a lenient view by the Review Authority and the writ petition is liable to be dismissed.

At this stage, learned counsel for petitioner submitted that the respondents are not extending the benefits to which the petitioner is entitled to on reinstatement into service in terms of the orders of first respondent dated 23.1.2001 viz., half of the salary for the injured period and increments subsequent to reinstatement. It is further stated that the petitioner has made a representation dated 8.5.2005 to the third respondent-Depot Manager and the same is pending.

Since the petitioner claims that he is not paid the benefits consequent on reinstatement into service in terms of the orders of the first respondent dated 23.1.2001 and his representation dated 8.5.2005 is pending with the third respondent-Depot Manager, the third respondent is directed to dispose of the representation of the petitioner dated 8.5.2005 in accordance with law, expeditiously, preferably within a period of three months from the date of receipt of copy of this order.

Subject to above, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 11.10.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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